

PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78832702
LAW OFFICE ASSIGNED	LAW OFFICE 111

MARK SECTION (no change)

ARGUMENT(S)

Applicant respectfully requests that the examining attorney reconsider the final refusal. THE WIZ and WIZARD TUNES are simply not confusingly similar. Other than the word or partial word "wiz," the two trademarks have nothing in common. They are not similar in sight; rather they looked totally different from one another. They are not similar in sound; rather the only common sound in the two marks is WIZ. They are also not similar in meaning. THE WIZ connotes a person with special power. WIZARD TUNES connotes music provided by the same company that provides music teaching tools under the brand name PIANO WIZARD, GUITAR WIZARD and other similar marks. The applicant is the owner of the following marks:

78837184 - Guitar Wizard

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78576936		DRUM WIZARD	TARR	LIVE
2	78576931		MUSIC WIZARD	TARR	LIVE
3	78576924		BAND WIZARD	TARR	LIVE
4	78576921		SONG WIZARD	TARR	LIVE
5	78576912		KARAOKE WIZARD	TARR	LIVE
6	78832702		WIZARD TUNES	TARR	LIVE
7	78796951		COMPOSER WIZARD	TARR	LIVE
8	78832688		MUSIC WIZARD ACADEMY	TARR	LIVE
9	78832676		PIANO WIZARD ACADEMY	TARR	LIVE
10	78446593	3230614	PIANO WIZARD	TARR	LIVE

Applicant's extensive use of Wizard in several different marks makes WIZARD TUNES even more distinguishable from THE WIZ.

Most importantly, it is simply unlikely that the average consumer will believe there is an affiliation or

sponsorship based on the concurrent use of THE WIZ and WIZARD TUNES.

SIGNATURE SECTION

RESPONSE SIGNATURE	/mariacrimispeth/
SIGNATORY'S NAME	Maria Crimi Speth
SIGNATORY'S POSITION	Attorney
DATE SIGNED	08/08/2007
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Wed Aug 08 19:11:57 EDT 2007
TEAS STAMP	USPTO/ROA-68.207.255.149- 20070808191157757240-7883 2702-38008d902b687485df52 9f69ac53fc5bc2-N/A-N/A-20 070808184320956526

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OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78832702** has been amended as follows:

Argument(s)

In response to the substantive refusal(s), please note the following:

Applicant respectfully requests that the examining attorney reconsider the final refusal. THE WIZ and WIZARD TUNES are simply not confusingly similar. Other than the word or partial word "wiz," the two trademarks have nothing in common. They are not similar in sight; rather they looked totally different from one another. They are not similar in sound; rather the only common sound in the two marks is WIZ. They are also not similar in meaning. THE WIZ connotes a person with special power. WIZARD TUNES connotes music provided by the same company that provides music teaching tools under the brand name PIANO WIZARD, GUITAR WIZARD and other similar marks. The applicant is the owner of the following marks:

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Response Signature

Signature: /mariacrimispeth/ Date: 08/08/2007

Signatory's Name: Maria Crimi Speth

Signatory's Position: Attorney

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 78832702

Internet Transmission Date: Wed Aug 08 19:11:57 EDT 2007

TEAS Stamp: USPTO/ROA-68.207.255.149-200708081911577

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